



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
ASSISTANT CHIEF OF STAFF FOR INSTALLATION MANAGEMENT
600 ARMY PENTAGON
WASHINGTON, DC 20310-0600

MAR 17 2004

MEMORANDUM FOR SEE DISTRIBUTION


SUBJECT: Army Authority Under Section 106 of the National Historic Preservation Act

1. The purpose of this memorandum is to confirm that the Army is the final decision and approval authority in the context of National Historic Preservation Act (NHPA) Section 106 compliance actions in accordance with Army Regulation 200 - 4, *Cultural Resources Management*.

a. NHPA Section 106 requires that the Army take into account the effects of its undertakings on historic properties and provide the Advisory Council on Historic Preservation, the State Historic Preservation Officer, Federally-recognized Indian Tribes, the public, and other consulting parties, the opportunity to comment. Eliciting such stakeholder comments, and taking those comments into account in our decisions regarding proposed Army actions are prerequisite elements of NHPA compliance. However, the Army shall retain and exercise Section 106 final approval and decision authority. Commanders shall exercise their authority while implementing the NHPA Section 106 compliance process.

b. NHPA Section 106 requirements are met by following the project-by-project review process in 36 CFR 800 *Protection of Historic Properties*, or by following the streamlined programmatic process in the *Army Alternate Procedures for Protection of Army Historic Properties* (Federal Register 10138, 6 March 2002). I endorse the *Army Alternate Procedures for Protection of Army Historic Properties* as the best means for most installations to meet their NHPA requirements.

2. Additional information can be found at www.aec.army.mil/usaec/cultural/shpo.pdf. The POC is Lee Foster at (703) 601-1591, alfred.foster@hqda.army.mil.


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